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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/186,302 11/04/98 SHAH-NAZAROFF A 42390.P6488

WM51/1031
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LOS ANGELES CA 90025

EXAMINER

GRANT, C

ART UNIT	PAPER NUMBER
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2611

DATE MAILED:

10/31/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/186,302

Applicant(s)
SHAH-NAZAROFF et al.

Examiner
Christopher Grant

Group Art Unit
2611



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-28 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2,5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3-8, 10, 12-15, 18 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz et al. (Herz 5,758,257) (provided by applicant).

Considering claims 1 and 21, Herz 575' discloses a method and corresponding machine-readable storage medium comprising:

- a) generating a rating of a first broadcast by a server system (502) (figure 5), the rating based on viewer feedback to the first broadcast, and the rating to indicate a likelihood of interest in the first broadcast for potential subsequent viewers (see the entire reference including but not limited to col. 1, lines 16-58, col. 15, lines 22-33, col. 25, lines 7-30, col. 29, line 52 - col. 30, line 40, col. 34, line 11- col. 38, line 55 and col. 41, line 57 - col. 42, line 11); and
- b) providing access to the rating of the first broadcast, at the server system, to predict the likelihood of interest in the first broadcast for the potential subsequent viewers (col. 47, lines 25-35 and col. 51, lines 23-35).

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Claim 3 is met by characteristics, preferences or profiles of viewers discussed throughout the reference including but not limited to col. 4, lines 32-58, col. 13, line 29- col. 15, line 20.

Claim 4 is met by the ratings provided to viewers via transmission system of figure 5 (see col. 47, lines 25-35).

Claims 5 and 7 are met by the ranking based on feedback from viewers and the assembling a plurality of broadcasts as discussed throughout the reference including but not limited to col. 4, lines 32-58 and col. 41, line 57 - col. 42, line 11.

Claim 6 is met by targeted advertisement as discussed throughout the reference including but not limited to col. 29, lines 30-59, col. 41, lines 20-41 and col. 47, lines 53-55.

Considering claims 8 and 22, Herz 575' discloses a method and corresponding machine readable medium comprising:

a) displaying a selected broadcast to view at an entertainment system (412) (figure 5), selection based on rating of the broadcast generated by a server system (502), the rating based on viewer feedback of prior viewer broadcast, the rating to indicate a likelihood of interest in the broadcast for potential subsequent viewers (see the entire reference including but not limited to col. 1, lines 16-58, col. 15, lines 22-33, col. 25, lines 7-30, col. 29, line 52 - col. 30, line 40, col. 34, line 11- col. 38, line 55 and col. 41, line 57 - col. 42, line 11).

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Claims 10 and 12 are met by characteristics, preferences or profiles of viewers discussed throughout the reference including but not limited to col. 4, lines 32-58, col. 13, line 29- col. 15, line 20.

Claim 13 is met by set top controllers (412).

Claim 14 is met by various types of programs including advertisements discussed throughout the reference including but not limited to col. 4, lines 32-58, col. 29, lines 30-59, col. 41, lines 20-41 and col. 47, lines 53-55.

Claim 15 is met by the transmission system of figure 5 (see col. 47, lines 25-35).

Claim 18 is met by the feedback data comprising profile and characteristics data sent to the server (502) as discussed in col. 41, line 57 - col. 42, line 11.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 9, 11, 16, 17, 20 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz 575' and Harada et al. (Harada).

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Considering claim 2, Herz 575' fails to specifically disclose receiving the feedback from an entertainment system controller, the feedback in response to a questionnaire regarding the broadcast as recited in the claim.

Harada discloses an entertainment system controller (102 or 2220) (figure 1 or 3A) that provides questionnaires to viewers on a display (103) and receives feedback (responses) from the viewer (col. 1, lines 52-61, col. 15, line 30 - col. 2, line 35). The entertainment system controller (102) transmits the feedback data to a server (101) at a central location. Harada's system efficiently obtains electronic results from viewers.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Herz's system to include the questionnaire to be provided to the viewer on a display device for the advantage of efficiently obtaining results electronically from viewers.

Claims 9 and 11 are met by the combined systems of Herz and Harada, wherein Herz discloses questionnaires throughout the reference including but not limited to col. 4, lines 32-58.

Claim 16 is met by the combined systems of Herz and Harada, wherein Harada discloses that the questionnaires are presented on the display (103).

As for claim 17, Herz 575' fails to specifically disclose that the feedback questionnaire is in response to a request by a viewer and that it is automatically providing at the end of the broadcast

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as recited in the claim. However, it would have been obvious modify Herz's system to include the questionnaire to be in response to a request by a viewer and to automatically provide the questionnaire at the end of the broadcast for the typical advantages of allowing only interested users to participate in a survey and to obtain a more accurate survey about a topic of interest.

Claim 20 is met by the combined systems of Herz and Harada, wherein Herz discloses ranking based on feedback from viewers throughout the reference including but not limited to col. 4, lines 32-58 and col. 41, line 57 - col. 42, line 11.

The limitations recited in claims 23 and 27-28 are met by the combined systems of Herz and Harada as described above in the rejections of claims 1 and 2.

Claims 24-26 are met by the combined systems of Herz and Harada, wherein Harada discloses (figure 3) that the entertainment system controller (2200) comprises a control circuitry (CPU 2201), a storage medium (2204) a viewer interface (2400 and/or 2300) and a communication interface (2202).

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herz 575'.

Considering claim 19, Herz 575' fails to specifically disclose offering incentives to the prior viewer to provide viewer feedback as recited in the claim. However, it would have been obvious to modify Herz's system to include offering incentives to the prior viewer because it is a

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typical business practice to encourage people to complete surveys/questionnaires so that a business can obtain useful information about a product or service.

Conclusion

6. Any response to this action should be mailed to:

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or faxed to:

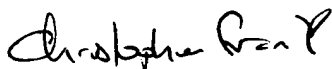
(703) 308-6306 or (703) 308-6296 (for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 3900.



Christopher Grant
Primary Examiner
October 27, 2000